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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KIEWIT CONSTRUCTORS, INC.,

Plaintiff,

v.

BUILDING, CONCRETE, EXCAVATING &
COMMON LABORERS UNION LOCAL
NO. 731, OF GREATER NEW YORK,

Defendant.

Case No. 08-cv-3946

Civil Action

CERTIFICATION OF SERVICE

SCOTT A. LEVIN, of full age, an attorney duly admitted to practice before the State and Federal Courts of New York, certifies the following under penalty of perjury:

1. I am an associate with the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, 88 Pine Street – 24th Floor, New York, New York 10005.

2. On June 10, 2008, I served the Reply Brief in Further Support of the Application of Plaintiff, Kiewit Constructors, Inc., for an Order Vacating Arbitration and in Opposition to the Union's Cross-Motion to Compel Arbitration, by regular mail and by Electronic Case Filing (ECF), on the following:

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I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I subject to punishment.

/s/ Scott A. Levin
Scott A. Levin